

## TITLE 7. EDUCATION

## CHAPTER 5. STATE BOARD FOR CHARTER SCHOOLS

Authority: A.R.S. § 15-182

*Editor's Note: 7 A.A.C. 5 made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1).*

## ARTICLE 1. GENERAL PROVISIONS

*Article 1, consisting of R7-5-101, made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1).*

## Section

R7-5-101. Definitions

## ARTICLE 2. NEW CHARTERS

*Article 2, consisting of R7-5-201 through R7-5-204, made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1).*

## Section

R7-5-201. Application for a New Charter

R7-5-202. Time-frames for Granting or Denying a New Charter

R7-5-203. Review of Application Package and Technical Assistance

R7-5-204. Execution of a Charter

## ARTICLE 3. RESERVED

## ARTICLE 4. AMENDMENT TO A CHARTER

*Article 4, consisting of R7-5-401, made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1).*

## Section

R7-5-401. Amendment to a Charter

## ARTICLE 1. GENERAL PROVISIONS

*Article 1, consisting of R7-5-101, made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1).***R7-5-101. Definitions**

For the purpose of this Chapter, the following definitions apply:

"Administrative completeness review time-frame" means the number of days from the Board's receipt of an application package to obtain a charter until the Board determines whether the application package contains all components required by statute and rule. The administrative completeness review time-frame does not include the period during which the Board performs a substantive review of the application.

"Applicant" means a person that applies to the Board for a new charter or to transfer a charter under A.R.S. § 15-181 et seq.

"Application" means the Board-approved forms and instructions for a stated fiscal year, which are available on-line and in writing.

"Application package" means an application, narrative, and documents described in the application.

"Authorized representative" means an individual with the power to bind a charter holder contractually according to the charter holder's Articles of Incorporation, operating agreement, or by-laws.

"Board" means the Arizona State Board for Charter Schools.

"Charter" means a contract between a person and the Board to operate a charter school under A.R.S. § 15-181 et seq.

"Charter school" means a school operated under a charter granted under A.R.S. § 15-181 et seq.

"Day" means a business day.

"Department" means the Arizona Department of Education.

"Fiscal year" means the 12-month period beginning July 1 and ending June 30.

"Overall time-frame" means the number of days after receipt of an application package until the Board determines whether to grant or deny a charter. The overall time-frame consists of both the administrative completeness review time-frame and the substantive review time-frame.

"Person" means an individual, partnership, corporation, association, or public or private organization of any kind.

"Preliminary application package" means a complete application package that is forwarded to the Technical Review Panel for scoring.

"Principals" means the officers, members, partners, or board of an applicant.

"Revised application package" means a complete application package submitted by an applicant after receiving written notification that the applicant's preliminary application package failed to meet the expectations.

"Substantive review time-frame" means the number of days after an application package is determined to be administratively complete until the Board decides whether to grant or deny a charter.

"Sufficiently qualified" means a Board determination that an applicant's experience, qualifications, current and prior charter compliance, and creditworthiness indicate an ability to operate a charter school.

"Technical Review Panel" means individuals approved and acting on behalf of the Board who use their expertise in charter school development, curriculum, and finance to evaluate a preliminary or revised application package.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1).

## ARTICLE 2. NEW CHARTERS

*Article 2, consisting of R7-5-201 through R7-5-204, made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1).***R7-5-201. Application for a New Charter**

- A. By March 31 of each year, the Board shall approve and make available in writing at its office and on-line at its web site an application for a new charter for a specified fiscal year.
- B. A person desiring to establish a charter school shall submit an unbound original application package and five bound copies of the application package to the Board.
- C. An applicant for a new charter shall ensure that the submitted application package contains the following in the order listed:
  1. Cover Sheet form;
  2. Title Page form;
  3. Target Population form;
  4. Curricular Emphasis. A narrative describing the proposed charter school's program of instruction including its philosophy, special emphasis, and methods of instruction

- and assessment in relation to achieving the school's mission;
5. Goals form;
  6. Curriculum Sample. A reading, writing, and math sample for each grade level to be served. Each sample will include a student assessment, description of instruction, description of student activities, and an indication of alignment with the Arizona Academic Standards;
  7. Monitoring of Program of Instruction. A narrative and examples regarding dissemination of information to teachers, tracking of students' progress toward mastery of state standards, and integration of Arizona Academic Standards into instructional practices;
  8. Special education delivery models to be used;
  9. Business Plan. A detailed business plan including:
    - a. Business description,
    - b. Marketing plan,
    - c. Management plan,
    - d. Resumes of the principals and authorized representative,
    - e. Background information form,
    - f. Valid fingerprint clearance cards for the principals and authorized representative,
    - g. Affidavit form,
    - h. Copy of Arizona filing required to conduct business in Arizona by the Arizona Corporation Commission or Arizona Secretary of State,
    - i. Financial plan,
    - j. Start-up budget with assumptions form,
    - k. Three-year operating budget form, and
    - l. First year month-by-month cashflow form;
  10. Compliance Assurances form;
  11. Certificate of Workshop Attendance or Workshop Waiver form;
  12. Bibliography; and
  13. Application Checklist form.

#### Historical Note

New Section made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1).

#### R7-5-202. Time-frames for Granting or Denying a New Charter

- A. For granting or denying a charter, the time-frames required by A.R.S. § 41-1072 et seq. are:
  1. Administrative completeness review time-frame: 25 days;
  2. Substantive review time-frame: 175 days; and
  3. Overall time-frame: 200 days.
- B. An administratively complete application package for a charter school consists of all the information and documents listed in R7-5-201.
- C. The administrative completeness review time-frame, as described in A.R.S. § 41-1072(1) and listed in subsection (A)(1), begins on the date the Board receives an application package.
  1. If the application package is not administratively complete when received, the Board shall provide to the applicant a notice of deficiency that states the documents and information that are missing.
  2. Upon written notice to the applicant that the application package is incomplete, the Board shall close the applicant's file.
  3. If the application package is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.
4. If the Board does not provide a notice of deficiency or administrative completeness to the applicant within the administrative completeness review time-frame, the application package is deemed administratively complete.
- D. A substantive review time-frame, as described in A.R.S. § 41-1072(3) and listed in subsection (A)(2), begins when an application package is determined to be administratively complete.
- E. Within the time provided in subsection (A)(3), the Board shall provide the applicant with written notice of its decision to grant or deny a charter.
  1. The Board shall deny a charter if it determines that the application package does not meet the requirements of statute or rule or the applicant is not sufficiently qualified to operate a charter school. The written notice shall include the basis for the denial. The applicant may:
    - a. Submit a new application under R7-5-201 for consideration by the Board; or
    - b. Appeal the Board's decision as prescribed in A.R.S. Title 41, Chapter 6, Article 10.
  2. The Board shall grant a charter if it determines that the application package meets the requirements of statute and rule and the applicant is sufficiently qualified to operate a charter school.

#### Historical Note

New Section made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1).

#### R7-5-203. Review of Application Package and Technical Assistance

The review of a complete application package is as follows:

1. The Technical Review panel shall score the preliminary application package using the scoring criteria provided in the application.
2. The Board staff shall conduct background investigations of the applicant.
3. The Board shall notify the applicant if the preliminary application package fails to meet the expectations as evaluated by the Technical Review Panel. The Board shall include with the notice the comments of the Technical Review Panel, which will serve as technical assistance, and suggestions for improving the application package.
4. An applicant who receives notification of failure to meet the expectations as evaluated by the Technical Review Panel may, within 20 days of the postmark date on the notice, submit a revised application package or a letter requesting that the preliminary application package be forwarded to the Board.
5. If a revised application package or letter is not submitted to the Board within 20 days of the postmark date on the notice of failure to meet the expectations, the Board shall close the applicant's file. An applicant whose file is closed and who wants to obtain a charter shall apply again under R7-5-201.
6. If a revised application package is submitted, the Technical Review Panel shall score the revised application package using the scoring criteria provided in the application.
7. If a revised application package fails to meet the expectations as evaluated by the Technical Review Panel, the Board shall notify the applicant of the intent to close the file. The Board shall include with the notice the comments of the Technical Review Panel.
8. An applicant who receives notification of the Board's intent to close the file may, within 20 days of the postmark date on the notice, submit a letter requesting that the revised application package be forwarded to the Board.

9. An applicant whose file is closed and who wants to obtain a charter shall apply again under R7-5-201.
10. The Board shall consider an application package if the Technical Review Panel determines that the application package meets or exceeds the expectations or if the applicant requests under subsection (4) or (8) that the Board consider an application package that fails to meet the expectations. In conducting its consideration of an application package, the Board shall:
  - a. Review a copy of the application package scored by the Technical Review Panel;
  - b. Review a copy of the scoring rubric completed by the Technical Review Panel;
  - c. Review all information obtained through verification and investigation of an applicant's background including employment, education, fingerprint clearance card, and assessment of creditworthiness;
  - d. Hear a brief presentation by the applicant; and
  - e. Listen to the applicant's responses to Board questions.
11. The Board shall provide an applicant, with at least seven days written notice of the date, time, and place of the meeting at which the Board will consider the applicant's application package.

#### Historical Note

New Section made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1).

#### R7-5-204. Execution of a Charter

- A. After the Board grants a charter, and before the contract is signed, the charter holder shall submit to the Board the following:
  1. Completed I.R.S. Form W-9, Request for Taxpayer Identification Number and Certification, obtained from the Board;
  2. School site location information;
  3. General Statement of Assurances form obtained from the Board;
  4. Copy of the statement filed with the Secretary of State under A.R.S. § 38-431.02; and
  5. Copy of lease agreement, if any, for each school site.
- B. A new charter shall be signed by the Board President or designee and the charter holder or authorized representative within 12 months after the Board grants the charter.
- C. A charter that is not timely signed expires. If the holder of an expired charter wants to obtain a new charter, the holder shall apply again under R7-5-201.
- D. A charter holder shall begin providing educational instruction within six months after signing the charter or within 18 months after the Board grants the charter, whichever occurs later.
- E. A charter holder shall submit to the Board written proof that the charter school is in compliance with federal, state, and

local rules, regulations, and statutes relating to health, safety, and insurance at least 10 days before the first day of operation of the charter school by submitting:

1. School site contact information;
  2. Certificate of occupancy for each school site;
  3. Fire marshal report for each school site;
  4. Insurance policy binder issued by an insurance company licensed to do business in Arizona;
  5. County health certificate for each site at which students will be taught;
  6. Evidence of a public meeting, required by A.R.S. § 15-183(C)(5), at least 30 days before the charter holder opens a site for the charter school; and
  7. Certificate of attendance of the authorized representative or principal at the special education training for new charters offered by the Arizona Department of Education, Exceptional Student Services Division.
- F. A charter is effective for 15 years from the first day of operation of the charter school unless revoked under A.R.S. § 15-183(I).

#### Historical Note

New Section made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1).

#### ARTICLE 3. RESERVED

#### ARTICLE 4. AMENDMENT TO A CHARTER

*Article 4, consisting of R7-5-401, made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1).*

#### R7-5-401. Amendment to a Charter

- A. A charter holder that wishes to amend its charter shall submit to the Board:
  1. A completed charter amendment form approved by the Board,
  2. The support documentation indicated on the charter amendment form, and
  3. Evidence that the proposed charter amendment has been approved by the charter school's governing body.
- B. For approving or disapproving an amendment, the time-frames required by A.R.S. § 41-1072 et seq. are:
  1. Administrative completeness review time-frame: 20 days.
  2. Substantive review time-frame: 40 days.
  3. Overall time-frame: 60 days.
- C. A charter holder shall conform to the terms of the charter until an amendment is approved by the Board.

#### Historical Note

New Section made by final rulemaking at 10 A.A.R. 1141, effective March 2, 2004 (Supp. 04-1).